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1
2 UNITED STATES INTERNATIONAL TRADECOMMISSION
3 WASHINGTON, D.C.
4

5 ----- -In the Matter of :
6 : INVESTIGATION NO.CERTAIN DIGITAL :
7 SATELLITE : 337-TA-392 :
8 SYSTEM (DSS) RECEIVERS :and COMPONENTS THEREOF :
9 -----

10
11 DEPOSITION OF GERALD CROWTHER
12

13 Wednesday, June 11, 1997
14 AT: 9:30 A.M.
15

16
17 Taken at:
18 Jones, Day, Reavis & Pogue
19 Bucklesbury House 3 Queen Victoria Street
20 London, England
21

22
23 SMITH BERNAL INTERNATIONAL
24 180 Fleet Street London EC4A 2HD
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1 GERALD CROWTHER, having been duly sworn according to law by
2 the Officer, testified as follows:

3

4

DIRECT EXAMINATION BY MR. SCOTT

5

6

Q. Would you please state your name?

7

A. My name is Crowther.

8

Q. Your full name?

9

A. Gerald Offley Crowther.

10

Q. Can you state your present business address?

11

A. I don't have one, I'm a private individual,

12

retired.

13

Q. Could you state your residence address?

14

A. 33 Onslow, O-N-S-L-O-W, Avenue, Sutton,

15

Surrey, SM2 7ED.

16

Q. I'd like to mark as Complainant's Exhibit-595

17

a copy of the expert report of Gerald O. Crowther. I'd

18

like to mark as Complainant's Exhibit-596 a copy of the

19

first supplemental expert report of Gerald O. Crowther.

20

(EXHIBITS 595 and 596 MARKED FOR IDENTIFICATION)

21

Q. Mr. Crowther, I have placed in front of you

22

what has been marked as Complainant's Exhibit-595 and 596.

23

I direct your attention first to 595 and ask you

24

if you can tell me, is that a document which you prepared?

25

A. It is a document I prepared.

1 U.K. Teletext moves towards still pictures."

2 I think that's all. Let's go through carefully.

3 We have put the Hedger and Raggett one, have we?

4 Q. You've identified that one.

5 A. Can we just make sure? I identified the one
6 in my paper, "Teletext and Viewdata system, the possible
7 extension to Europe", can I just check that was the one
8 identified, rather than the one below it, although that was
9 also relevant, but it's the one above that I'm particularly

10 --

11 Q. Why don't you identify it in particular? The
12 "G. Crowther, Teletext and Viewdata systems and their
13 possible extension"?

14 A. That is the one I wanted to make sure of, the
15 "British Teletext specification" 1976, and also the "CBS
16 CCETT North American Broadcast Teletext specification"
17 I looked at very carefully, and I think that is CBS 14,
18 broadcast specification.

19 Q. The last entry you believe to be an error?

20 A. Yes, that is incorrect, that should be CBS, as
21 far as I know.

22 Q. CBS-14?

23 A. From memory, yes, that looks like, I can only
24 tell by the date, what it's used to be, I can't tell you
25 whether the 14 is correct.

1 MR. McBRIDE: Mr. Scott, I can't remember
2 whether your question asked him to go through this list and
3 identify the articles, or to generally state what papers he
4 has relied on.

5 MR. SCOTT: What I asked him was I want to make
6 sure he was doing it. I wanted to know the ones he had
7 particularly relied on.

8 MR. McBRIDE: My question is are you having him
9 focus on the list, or should he go through his reports
10 because there are other articles in, for example, his first
11 supplemental report.

12 MR. SCOTT: I want him to go through the list, at
13 least initially, so I can identify which ones he
14 particularly relied on in the list.

15 MR. McBRIDE: Okay.

16 A. I think that's all.

17 Q. All right, now, do you have your first
18 supplemental report in front of you? What I'd like you to
19 do now is go through the rest of your initial report and
20 your supplemental report, and tell me are there any other
21 articles that you intend to principally rely on to form
22 your opinions regarding the -- I'm focusing on your
23 opinion regarding the claim 6 and 7, "do not describe a new
24 or non-obvious invention?"

25 MR. McBRIDE: He's asking you to go back through

1 the body of your first opinion, and make sure there is
2 nothing mentioned in there, and then to look at this first
3 supplemental?

4 A. No, I think that's all.

5 MR. McBRIDE: Do you want to go back and check
6 this one? Not the list, I think you've done that, just
7 look through the body of the report. I think this question
8 asked you to do that.

9 A. I don't think there are any more in that and
10 the first supplement.

11 MR. SCOTT: I'd like to mark as Complainant's
12 Exhibit-597 a copy of an article by, J. Hedger entitled
13 "Telesoftware: using Teletext to support a home computer"

14 (EXHIBIT-597 MARKED FOR IDENTIFICATION)

15 Q. Mr. Crowther, I place in front of you what
16 have been marked in these proceedings as Complainant's
17 Exhibit-558, 559, 560 and 597.

18 I ask you if those are the four Hedger articles
19 that you identified in your -- as listed in your report?

20 A. Yes, they are.

21 Q. Now, looking at your expert, initial expert
22 report, Exhibit-599, you describe three types of Teletext
23 systems that you refer to as being in use or contemplated
24 during the late 1970s and 1980s, that appears on page eight
25 of your report, which is Exhibit-595?

1 A. Right.

2 Q. What I'd like to know is what do you intend to
3 rely on to support your description of each of those
4 systems? Is there any particular document or documentary
5 material that you intend to rely on to support -- as a
6 basis for support for how these systems operated?

7 MR. McBRIDE: Other than the ones listed in the
8 description?

9 MR. SCOTT: Which out of them does he intend to
10 rely on?

11 MR. McBRIDE: In his report he provides a
12 description of each, and there are documents referenced.

13 MR. SCOTT: I'm trying to find out -- are those
14 the only ones he intends to rely on, or are there others?

15 A. We are referring to the two in the
16 supplementary report, are we?

17 Q. Let's go back to the initial report, and let's
18 just say the British or World System Teletext?

19 A. Well, yes.

20 MR. McBRIDE: You have referenced some
21 documents?

22 A. That's right.

23 MR. McBRIDE: He's asking you, in addition to
24 the ones that you've referenced, are there any others that
25 --

1 A. Not in the first supplement -- sorry, in this
2 first report, no.

3 Q. When you described the British or World
4 System, you intend to rely on the Teletext 1976
5 specification?

6 A. And the upgrading of it in the Chambers paper.

7 Q. So, you're going to use the Chambers paper and
8 the '76 --

9 A. Sorry, for that, yes.

10 Q. Now, for the Antiope system, what are you
11 going to rely on to describe the operation of that system?

12 A. I was going to just rely on the specification.

13 Q. Which specification?

14 A. Sorry, the two specifications we mentioned in
15 the report, the CBS CCETT and North American broadcast
16 Teletext specification and the CBS 14.

17 Q. For the Telidon system, is there any document
18 you're going to rely on --

19 A. It would be the same two documents.

20 MR. McBRIDE: Mr. Crowther, let Mr. Scott finish
21 his questions, so you have in mind what he's really looking
22 for. Also it makes it easier for the court reporter.

23 MR. NEWTON: A lot easier.

24 Q. With the Japanese Teletext system, is there
25 any documentation you intend to rely on to describe that

1 wanting to help the enemy, is it "Adaptation of U.K.
2 Teletext system for 525/60 operation"?

3 A. Perhaps I should return that one before we ...
4 that is the correct one, that's the one I wanted.

5 Q. This one has been previously marked as
6 Complainant's Exhibit-575, and that's "Adaptation of U.K.
7 Teletext system for 525/60 operation"?

8 A. I wasn't planning to use that one.

9 Q. So Exhibit-604 you don't intend to use?

10 A. No.

11 Q. Have you now covered the universe of documents
12 that you intend to rely on?

13 A. For the U.K., yes.

14 MR. SCOTT: Why don't we take a break?

15 (SHORT BREAK)

16 Q. Now, Mr. Crowther, you have previously
17 identified certain documents that you intend to rely on as
18 a basis to describe the Teletext systems in use in France
19 and in the United States under the name Antiope?

20 A. Correct.

21 Q. Now, I'm going to identify these documents,
22 because I want to understand, but what I'd like to
23 understand, do you intend to testify that the Antiope
24 system, and your understanding of it, would invalidate any
25 claims of the Harvey patents?

1 A. I believe that there are aspects of the
2 Antiope patent -- sorry, Antiope system, which would
3 invalidate the Harvey patents.

4 Q. Are you going to testify to that effect?

5 A. I don't think I will need to testify to it,
6 but I'd like to have the -- I don't think so at the
7 moment, but --

8 Q. Just look at your report, and look at 595,
9 which is your initial report, in which you refer to the
10 invalidity of claims 5 and 6 of the 277 patent over the
11 British Teletext system?

12 MR. McBRIDE: Claims 6 and 7?

13 MR. SCOTT: I'm sorry of 6 and 7, excuse me.

14 Q. That's found at pages 10 and 11 of your
15 report. There you deliver an opinion that claims 6 and 7
16 of the Harvey 277 patent are invalid, in view of the
17 British Teletext system?

18 A. Yes.

19 Q. Then you might refer to your supplemental
20 report, where on pages 3 through 8, you compare claims 6
21 and 7 to the British Teletext system.

22 My question is: do you intend to use any
23 information regarding the Antiope system as a basis to
24 testify that claims 6 and 7 are invalid?

25 A. We do mention the Marti paper and the Antiope

1 system, and that I shall use.

2 Q. How do you intend to use it?

3 A. That's part of the -- against the claims 6
4 and 7.

5 Q. Do you intend to testify that the Antiope
6 system disclosed in the Marti paper --

7 A. What I want to be able to do is to show that
8 the total conglomeration of Teletext systems, you know, had
9 relevance to the claims of 6 and 7.

10 Q. So, all of the Teletext systems had relevance?

11 A. That's right.

12 Q. But my question is: do you intend to apply a
13 particular system of it in your understanding of it against
14 the claims?

15 A. The problem is the specific Antiope system was
16 merged into CBS/CCETT, and that I would like to testify as
17 being prior art to any claims 6 and 7.

18 Q. It's prior art, but do you intend to testify
19 that that system by itself invalidates claims 6 and 7?

20 A. I think so, yes.

21 Q. You also make reference to the Telidon system
22 from Canada that you make reference to on page 8 of your
23 initial report, which is Exhibit-595?

24 A. Yes.

25 Q. Do you intend to testify that that system

1 invalidated claims 6 and 7 of the Harvey patent?

2 A. The CBS and the CCETT specification was a
3 combination of both the Antiope and the Telidon system, so
4 what I said earlier applies to the Telidon new approach --
5 they are combined together, and formed that one big
6 specification and they -- I would want to use that to
7 testify against claims 6 and 7.

8 Q. What about the Japanese Teletext system, do
9 you intend to --

10 A. No, I don't intend to testify. That's just
11 background information.

12 Q. In what aspect, what aspect of the background
13 to your testimony do you intend to use information
14 regarding the Japanese Teletext system?

15 A. I want to show that there were a lot of
16 systems, different systems in use at the -- in the 1978,
17 '80, '81 period, transmitting data over the air as part of
18 the television signal, and the Japanese was one of them.

19 MR. SCOTT: I'd like to mark as Complainant's
20 Exhibit-605, a document entitled "CBS/CCETT NorthAmerican
21 Broadcast Teletext Specification (extended Antiope)",
22 bearing the date May 20, 1981 and I'd like to mark as
23 Complainant's Exhibit-606 "CBS/CCETT North American
24 Broadcast Teletext Specification", bearing the date June
25 22, 1981.

(EXHIBITS 605 and 606 MARKED FOR IDENTIFICATION)

Q. I'd like you to look at Exhibits 605 and 606 and I want to ask you, are those the specifications you had reference to, and are they identified in your expert report, Exhibit-595?

Do you have the question in mind?

A. Sorry, I didn't hear you.

Q. Are exhibits 605 and 606 the specifications you had reference to?

A. Yes, they are. It seems to be slightly different, but it's only a day.

Q. Can you identify in your report which ones they are, so we are clear about that?

A. The "CBS/CCETT North American Broadcast Teletext Specification (extended Antiope)" May the 20th, 1981 is the one on page 7, the first of the two specifications, and then the one which is BS 14, "Broadcast Specification, Television Broadcast Videotex" June 19, 1981, I believe is this one, although it says March the 22nd. That is the one I had expected.

Q. So June --

A. It's labeled here as June 19, and it is actually June the 22nd, but that is the one I expected.

Q. You list in your supplemental report the B. Marti paper, "The Antiope Teletext system" from the

1 IEEE, is that another one you intend to rely on?

2 A. That's right.

3 Q. Just so that we can be sure about this, I'm
4 going to show you what's been previously marked as
5 Exhibit-575, which is entitled "The Antiope Videotex
6 system", but is by B Marti and others.

7 I'll ask you if that is the paper that you had
8 reference to?

9 A. That is not the one. Sorry, that is the one,
10 sorry. Sorry, yes, it is the one. Okay, yes.

11 Q. So, you just failed to list the additional
12 authors in your report?

13 A. Sorry?

14 Q. In other words, the only distinction, you just
15 failed to list the additional authors in your report?

16 A. Sorry, yes.

17 Q. Now, do you intend to rely on the H.G. Brown
18 paper to support your testimony regarding the Antiope
19 system?

20 A. Yes, I think that would be useful.

21 MR. SCOTT: I'd like to mark as Exhibit-607 a
22 copy of "Telidon a new approach to Videotex system design"
23 by H.G. Brown and others.

24 (EXHIBIT-607 MARKED FOR IDENTIFICATION)

25 MR. McBRIDE: Is there a question on the

1 table?

2 Q. Is that the Brown article that you had
3 reference to?

4 A. It's not the one I had expected. I think
5 there was probably one in 1981 by Brown et al, O'Brien, it
6 would be one of those four authors.

7 Q. So, Exhibit-607 is not the one you intend to
8 rely on?

9 A. That's right.

10 Q. Do you have the identity of the article you
11 intend to rely on?

12 A. Not handy. I think it's in 1981 is the
13 article.

14 MR. SCOTT: Do you have the article,
15 Mr. McBride?

16 MR. McBRIDE: Perhaps at a break we can try to
17 sort this out, and see if we can identify it, and, if we
18 can, we'll certainly get it to you.

19 A. Sorry about that.

20 Q. That's why we're going through this exercise,
21 to make sure we got it right.

22 So we can put 607 aside, you don't intend to rely
23 on that one.

24 So the Marti article, Exhibit-575, the two
25 specifications 605 and 606, and this yet to be identified

1 Brown paper are the four documents you intend to rely on?

2 A. Correct.

3 Q. No others?

4 A. I don't think so, no.

5 MR. McBRIDE: Excuse me, rely on for what
6 purpose?

7 MR. SCOTT: To describe the Antiope system that
8 he says he may testify invalidates claims 6 and 7.

9 MR. McBRIDE: Okay.

10 MR. SCOTT: If I understand the testimony
11 correctly, he says that the British Teletext system
12 invalidates it.

13 Q. Am I correct in saying you also say the French
14 U.S. Antiope system described in these four documents
15 invalidates it also?

16 A. I believe so, yes.

17 Q. And you intend to testify to that effect, is
18 that correct?

19 A. Can I have --

20 Q. I'd like you to consult, because I want to
21 know what you intend to do. If you don't intend to testify
22 that way, fine.

23 (SHORT BREAK)

24 MR. McBRIDE: Let me see if I can help clarify
25 the issues. We intend to use Mr. Crowther to offer

1 testimony that the U.K. Teletext system invalidates claims
2 6 and 7, as he's described in his two reports.

3 Mr. Crowther has indicated that he would like to
4 refer to the Antiope system, the Canadian Telidon and
5 Japanese Teletext systems as background information to
6 describe what he views as the state of the art of
7 Teletext.

8 However, he does not intend, and we don't intend,
9 to offer any opinions that claims 6 and 7 are specifically
10 invalid in view of any of those references through
11 Mr. Crowther.

12 MR. SCOTT: Other witnesses may or may not, but
13 we're now here with Mr. Crowther.

14 Q. Do you adopt the statement of your counsel?

15 A. I do, yes.

16 Q. But you intend to give testimony about how the
17 Antiope system in France and the United States operated in
18 1980?

19 A. Correct.

20 MR. McBRIDE: Let me just clarify. We had an
21 issue about the Brown or the paper referenced in the
22 report, and I think what we've determined is that --
23 through his prior testimony, the report referenced is not
24 the correct report that he was thinking of.

25 However, I don't think, talking to the witness,

1 that he's going to need to rely on this later paper, and
2 I'm not sure it's Brown it may be Bown, B-O-W-N, but in any
3 event I think we can set aside this later paper. As far as
4 we're concerned, it will not be relied on in his testimony
5 about Telidon.

6 A. We still want to reserve the right to include
7 in a general discussion the Telidon system. Is that
8 right?

9 MR. McBRIDE: Yes.

10 Q. Just so we're clear, you don't intend to rely
11 on the Brown article that we marked, or any other article
12 at least as you -- as of right now, you are going to rely
13 on simply 575, 605 and 606?

14 Let me just put those in front of you, so you've
15 got that question clearly in mind. The two specifications,
16 605 and 606, and Mr. Marti's article, 575?

17 A. Yes, that's correct.

18 MR. McBRIDE: That's as to Antiope and Telidon?

19 MR. SCOTT: Right.

20 Q. Is that correct, that's what they have
21 reference to?

22 A. That covers both of the systems. I don't want
23 it to be assumed that is just Antiope, it's a combination
24 of the two.

25 Q. Antiope and Telidon?